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Workgroup to Study Partial Expungement Meeting Minutes

November 30, 2021 | 3:00 p.m. - 4:00 p.m.

- **Welcome**
- **Primary Workgroup Goal**
 - *The Workgroup shall study and develop a plan and legislative recommendations for enabling the expungement of criminal charges that are currently not eligible for expungement because of the requirements of § 10–107 of the Criminal Procedure Article.*
- **November 9th Panel Presentation: Thoughts and Reactions**
- **Potential Recommendations and Open Discussion**
 - Recommendation: recommend and continue to recommend technology procurement considerations to build the option, flexibility, and capability for expungement under the unit rule.
 - Recommendation: consider adequate funding and staffing for existing and anticipated expungement volume due to policies adopted in future years.
 - From a resource perspective, Maryland needs to begin thinking through how to make these policy goals sustainable.
 - Recommendation: removal of a charge from CJIS and case search for electronic records where they exist, where a CJIS code exists, and where the charge to be removed IS NOT commingled with crimes of violence or other serious crimes.



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- This process would be possible by application only, and is not a guarantee; rather, the State's Attorney's Office would review the case - again, where technologically feasible and when a criminal charge is not involved.
- Additional Recommendation/Considerations:
 - Repeal the unit rule - 10-107;
 - Enact legislation separately or amend 10-105 to permit expungement of any count that is dismissed or results in acquittal;
 - Immediately, or once there is a general waiver
 - Enact legislation or amend 10-105 notwithstanding the unit rule;
 - Enact legislation or amend 10-105 that results in acquittal;
 - Permit shielding from case search from any case;
 - Remove something not commingled within a unit, not crime of violence.
- Does this workgroup want to say that favorable dispositions, even if connected to a guilty charge, should be eligible for expungement?
 - Non conviction issue - there might be different treatment for a non conviction than a conviction eligible for expungement.
- Keep at forefront the technological perspective and limitations - the current systems (i.e. courts/CJIS) still may not be able to fully process a "partial expungement".
 - The Workgroup must be very specific in language - stop saying "expungement", but rather, very specifically say **removal** from CJIS and **removal** from case search; we could not guarantee obliteration of record at



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scale, YET. We must stay within the realm of electronic record as we discuss these issues.

- What time would it take to do a CJIS purge if not a full expungement?
 - Substantially less than full blown expungement?
- When we say “electronic records”, it must be noted that the Courts are not done with implementation of MDEC; Prince George’s County and Baltimore City are still not online.
- A lot of the possibilities are logistically and financially impossible.
 - If we’re looking at something that’s realistic, it’s dealing with case search and CJIS part of all of this rather than a full expungement process and needs and impossibility of all of that happening.
 - Can there be a scenario where CJIS is directed to remove an individual account from an order of shielding directly to CJIS, or does it have to go through the entire judiciary process?
- Discussion around Restitution and Expungement
 - Recommendation/reminder: expungement should be possible when all fees and restitution are taken care of; an individual should not be able to get an expungement and have everything waived.